

AMENDED IN ASSEMBLY JULY 5, 2001

AMENDED IN SENATE MAY 7, 2001

AMENDED IN SENATE APRIL 16, 2001

AMENDED IN SENATE MARCH 29, 2001

SENATE BILL

No. 732

Introduced by Senator Ortiz

February 23, 2001

~~An act to amend Section 17920.3 of, to add Chapter 9 (commencing with Section 17999) to Part 1.5 of Division 13 of, and to add Chapter 18 (commencing with Section 26100) to Division 20 of, of the Health and Safety Code, relating to toxic mold.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 732, as amended, Ortiz. Toxic mold.

Existing law provides the State Department of Health Services with various powers to enforce its regulations, to promulgate regulations to protect the public health, and to enjoin and abate nuisances dangerous to public health. The department is vested with the power to perform studies, evaluate existing projects, disseminate information, and provide training programs to enforce regulations related to public health.

This bill would enact the Toxic Mold Protection Act of 2001 ~~which would require the department to consider the feasibility of adopting permissible exposure limits to molds in indoor environments.~~

If The bill would require the department to convene a task force comprised of various individuals including, but not limited to, health officers, health and medical experts, mold abatement experts, affected

consumers and affected industries including, residential, commercial, and industrial tenants, proprietors, landlords, insurers, builders, and managers, to advise the department on the development of permissible exposure limits to mold, standards for assessment of molds in indoor environments as well as alternative standards for hospitals, child care facilities, and nursing homes, standards for identification, and remediation of mold.

This bill would require the department to consider the feasibility of adopting permissible exposure limits to molds in indoor environments in consultation with the task force. If it is determined to be feasible, the department would be required to adopt ~~specific regulations to protect the public health from toxic mold.~~ In permissible exposure limits to mold for indoor environments that avoid adverse health effects. The department would be required to report its progress on developing the permissible exposure limits for molds by July 1, 2003.

This bill would require that in the process of adopting ~~specific regulations, this bill would require that~~ the permissible exposure limits, the department conduct studies, consider specific delineated criteria, and consult with ~~professional and medical experts in the field~~ the task force to arrive at both permissible exposure limits to mold ~~that will protect the public health and avert~~ to avoid adverse effects on health on the general public and alternative permissible exposure limits to avoid adverse health ~~risks to~~ effects for hospitals, child care facilities, and nursing homes, whose primary business is to serve members of a subgroup that is a meaningful portion of the general population. This bill would also ~~set the~~ require the department, in consultation with the task force to develop and adopt standards for the identification and the remediation of toxic molds.

This bill would require that after the adoption of permissible exposure limits to molds, the department would be required to review and revise the exposure limits at least once every 5 years and consider any new technological or treatment techniques or new scientific evidence that indicates that molds may present a different health risk than was previously determined.

~~The bill would provide for specific protocol to allow the public to be involved in the process to determine permissible exposure limits to mold.~~

~~This bill would also require that if the department determined that it was not feasible to adopt a permissible exposure limit, the department would be required, in consultation with specifically delineated~~

~~specialists, to develop guidelines to be used by various enforcement agencies to assess the health threat posed by the presence of mold in indoor environments and determine whether the presence of mold constitutes mold infestation and adopt standards for the assessment of the health threat posed by the presence of molds in indoor environments. The department would be required to consider specific delineated criteria in developing the assessment standard including the balancing of the protection of public health with technologic and economic feasibility. The department would also be authorized to adopt alternative assessment standards for hospitals, child care facilities, and nursing homes. The department would be required to report its progress on developing the assessment standards for molds by July 1, 2003.~~

After the adoption of mold assessment standards, the department would review and revise the exposure limits at least once every 5 years and consider any new technological or treatment techniques or new scientific evidence that indicates that molds may present a different health risk than was previously determined.

The bill would provide for specific protocol to allow the public to be involved in the process to determine permissible exposure limits to mold, standards for identification and remediation of mold, and the standards for the assessment of molds.

This bill would require the department to develop public education materials and resources to inform the public about the health effects of molds, methods of prevention, methods of identification and remediation of mold growth and mold infestation, and contact information to organizations or governmental entities to assist public concerns.

~~Under existing law, the State Department of Health Services is authorized to adopt rules and regulations related to building standards and is vested with the power to enforce all regulations to ensure that all buildings where people reside are fit for human habitation.~~

~~This bill would also add toxic mold to the list of both substandard conditions and a structural hazard to health, for buildings used for human habitation.~~

This bill would, except under specified circumstances, also require that any person who sells, *transfers*, or rents residential, commercial, or industrial real property or a public entity that owns, leases, or operates a building, who knows, or *in specified instances* has reasonable cause to believe, that mold is ~~or has been present on the property, that affects the unit or building, and the mold exceeds the permissible~~



exposure limits to molds, would be required to provide a written disclosure to potential buyers, prospective tenants, renters, landlords, or occupants, of the presence of molds that exceeds the permissible exposure limits established by the State Department of Health Services, including the location of materials that contain mold in the building, heating system, ventilating or air-conditioning system, or appurtenant structures of the property as well as the potential health risks that may result from exposure to mold conditions.

This bill would also require a residential, commercial, and industrial landlord to maintain units and buildings in a habitable condition sufficient for the occupation of human beings as required by law. However, this bill would not require a landlord, owner, seller, or transferor, to utilize the services of a specially qualified professional to conduct ambient air tests to determine whether the presence of molds exceeds the permissible exposure limits or constitutes mold infestation as defined in the bill, or for mold remediation.

The duties and requirements of this bill would not apply until the January 1 or July 1 that occurs at least 6 months after the department adopts the requisite standards as provided in the bill.

This bill would authorize the enforcement of all conditions of this bill including the disclosure provisions by designated enforcement officers.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. — Section 17920.3 of the Health and Safety Code~~
- 2 ~~is amended to read:~~
- 3 ~~17920.3. Any building or portion thereof including any~~
- 4 ~~dwelling unit, guestroom or suite of rooms, or the premises on~~
- 5 ~~which the same is located, in which there exists any of the~~
- 6 ~~following listed conditions to an extent that endangers the life,~~
- 7 ~~limb, health, property, safety, or welfare of the public or the~~
- 8 ~~occupants thereof shall be deemed and hereby is declared to be a~~
- 9 ~~substandard building:~~
- 10 ~~(a) Inadequate sanitation shall include, but not be limited to, the~~
- 11 ~~following:~~
- 12 ~~(1) Lack of, or improper water closet, lavatory, or bathtub or~~
- 13 ~~shower in a dwelling unit.~~

~~(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.~~

~~(3) Lack of, or improper kitchen sink.~~

~~(4) Lack of hot and cold running water to plumbing fixtures in a hotel.~~

~~(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.~~

~~(6) Lack of adequate heating.~~

~~(7) Lack of, or improper operation of required ventilating equipment.~~

~~(8) Lack of minimum amounts of natural light and ventilation required by this code.~~

~~(9) Room and space dimensions less than required by this code.~~

~~(10) Lack of required electrical lighting.~~

~~(11) Dampness of habitable rooms.~~

~~(12) Infestation of insects, vermin, or rodents as determined by the health officer.~~

~~(13) General dilapidation or improper maintenance.~~

~~(14) Lack of connection to a required sewage disposal system.~~

~~(15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.~~

~~(b) Structural hazards shall include, but not be limited to, the following:~~

~~(1) Deteriorated or inadequate foundations.~~

~~(2) Defective or deteriorated flooring or floor supports.~~

~~(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.~~

~~(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.~~

~~(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.~~

~~(6) Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.~~

~~(7) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.~~

~~(8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.~~

~~(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.~~

~~(c) Any nuisance.~~

~~(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.~~

~~(e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.~~

~~(f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.~~

~~(g) Faulty weather protection, which shall include, but not be limited to, the following:~~

~~(1) Deteriorated, crumbling, or loose plaster.~~

~~(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.~~

~~(3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.~~

~~(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.~~

~~(h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his or her deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.~~

~~(i) All materials of construction, except those which are specifically allowed or approved by this code, and which have been adequately maintained in good and safe condition.~~

~~(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and~~

1 ~~similar materials or conditions constitute fire, health, or safety~~
2 ~~hazards.~~

3 ~~(k) Any building or portion thereof that is determined to be an~~
4 ~~unsafe building due to inadequate maintenance, in accordance~~
5 ~~with the latest edition of the Uniform Building Code.~~

6 ~~(l) All buildings or portions thereof not provided with adequate~~
7 ~~exit facilities as required by this code, except those buildings or~~
8 ~~portions thereof whose exit facilities conformed with all applicable~~
9 ~~laws at the time of their construction and that have been~~
10 ~~adequately maintained and increased in relation to any increase~~
11 ~~in occupant load, alteration or addition, or any change in~~
12 ~~occupancy.~~

13 ~~When an unsafe condition exists through lack of, or improper~~
14 ~~location of, exits, additional exits may be required to be installed.~~

15 ~~(m) All buildings or portions thereof that are not provided with~~
16 ~~the fire-resistive construction or fire-extinguishing systems or~~
17 ~~equipment required by this code, except those buildings or~~
18 ~~portions thereof that conformed with all applicable laws at the time~~
19 ~~of their construction and whose fire-resistive integrity and~~
20 ~~fire-extinguishing systems or equipment have been adequately~~
21 ~~maintained and improved in relation to any increase in occupant~~
22 ~~load, alteration or addition, or any change in occupancy.~~

23 ~~(n) All buildings or portions thereof occupied for living,~~
24 ~~sleeping, cooking, or dining purposes that were not designed or~~
25 ~~intended to be used for those occupancies.~~

26 ~~(o) Inadequate structural resistance to horizontal forces.~~

27 ~~(p) Presence of mold that exceeds the standards established by~~
28 ~~the State Department of Health Services pursuant to subdivisions~~
29 ~~(a) and (b) of Section 26103, or what constitutes mold infestation~~
30 ~~according to the department's guidelines as developed pursuant to~~
31 ~~Section 26105, or is determined by the health officer or code~~
32 ~~enforcement officer, in consultation with scientific experts, to be~~
33 ~~likely to result in adverse health effects likely to result in serious~~
34 ~~or permanent bodily injury.~~

35 ~~“Substandard building” includes a building not in compliance~~
36 ~~with Section 13143.2.~~

37 ~~However, a condition that would require displacement of sound~~
38 ~~walls or ceilings to meet height, length, or width requirements for~~
39 ~~ceilings, rooms, and dwelling units shall not by itself be considered~~
40 ~~sufficient existence of dangerous conditions making a building a~~

1 ~~substandard building, unless the building was constructed, altered,~~
2 ~~or converted in violation of those requirements in effect at the time~~
3 ~~of construction, alteration, or conversion.~~

4 SEC. 2. Chapter 9 (commencing with Section 17999) is added
5 to Part 1.5 of Division 13 of the Health and Safety Code, to read:

6
7 CHAPTER 9. ~~MOLD-CONTAINING MATERIALS~~

8
9 Article 1. ~~Disclosures~~

10
11 ~~17999. (a) (1) Subject to paragraphs (4) and (5), any person~~
12 ~~who sells residential real property subject to Section 1102 of the~~
13 ~~Civil Code, who knows, or has reasonable cause to believe, that~~
14 ~~mold is, or has been, present in the building, heating system,~~
15 ~~ventilating or air-conditioning system, or appurtenant structures,~~
16 ~~shall provide written disclosure to prospective buyers if the~~
17 ~~presence of mold exceeds the permissible exposure limit to molds~~
18 ~~established by subdivisions (a) and (b) of Section 26103, or if it~~
19 ~~constitutes mold infestation according to the department's~~
20 ~~guidelines as developed pursuant to Section 26105.~~

21 ~~(2) The written notice required by this subdivision shall~~
22 ~~identify the presence or location of materials that contain mold in~~
23 ~~the building, heating system, ventilating or air conditioning~~
24 ~~system, or appurtenant structures, and shall disclose the potential~~
25 ~~health risks and the health impact that may result from exposure~~
26 ~~to mold by distributing the appropriate public education materials~~
27 ~~developed by the department or other authoritative bodies.~~

28 ~~(3) The written notice required by this subdivision shall be~~
29 ~~provided as soon as practicable before transfer of the title.~~

30 ~~(4) A seller of residential real property shall be exempt from~~
31 ~~providing written disclosure pursuant to this subdivision if the~~
32 ~~presence of mold was remediated according to the mold~~
33 ~~remediation standards adopted by the department pursuant to~~
34 ~~Section 26130, or if a state or local health, building, or housing~~
35 ~~official determines that the mold has been eliminated or~~
36 ~~sufficiently mitigated so as not to pose a risk to the life, limb,~~
37 ~~health, property, safety, or welfare of the prospective owner or~~
38 ~~occupants.~~

~~(5) The requirements of this subdivision shall not apply until the department adopts standards pursuant to Sections 26103, 26105, 26120, and 26130.~~

~~(b) (1) Subject to paragraphs (4) and (5), any seller of commercial or industrial real property, who knows, or who has reasonable cause to believe, that mold is, or has been present in the building, heating system, ventilating or air conditioning system, or appurtenant structures, shall provide written disclosure to prospective buyers if the presence of mold exceeds the permissible exposure limit to molds established by subdivisions (a) and (b) of Section 26103, or if it constitutes mold infestation according to the department's guidelines as developed pursuant to Section 26105.~~

~~(2) The written notice required by this subdivision shall identify the presence or location of materials that contain mold in the building, heating system, ventilating or air conditioning system, or appurtenant structures, and shall disclose the potential health risks and the health impact that may result from exposure to mold by distributing the appropriate public education materials developed by the department or other authoritative bodies.~~

~~(3) The written notice shall be provided as soon as practicable before transfer of the title.~~

~~(4) A seller of commercial or industrial real property shall be exempt from providing written disclosure pursuant to this subdivision if the presence of mold was remediated according to the mold remediation standards adopted by the department pursuant to Section 26130, or if a state or local health, building, or housing official determines that the mold has been eliminated, or sufficiently mitigated so as not to pose a risk to the life, limb, health, property, safety, or welfare of the prospective owner or occupants.~~

~~(5) The requirements of this subdivision shall not apply until the department adopts standards pursuant to Sections 26103, 26105, 26120, and 26130.~~

~~17999.1. (a) Subject to subdivisions (d) and (e), commercial, industrial, and residential landlords, who know, or have reasonable cause to believe, that mold is, or has been, present in the building, heating system, ventilating or air conditioning system, or appurtenant structures, shall provide written disclosure to prospective and current tenants, if the presence of mold exceeds the permissible exposure limit to molds established by~~

1 subdivisions (a) and (b) of Section 26103, or if it constitutes mold
2 infestation according to the department's guidelines as developed
3 pursuant to Section 26105.

4 (b) The written notice required by subdivision (a) shall identify
5 the presence or location of materials that contain mold in the
6 building, heating system, ventilating or air-conditioning system,
7 or appurtenant structures, and shall disclose the potential health
8 risks and the health impact that may result from exposure to mold
9 by distributing the appropriate public education materials
10 developed by the department or other authoritative bodies.

11 (c) The written notice required by subdivision (a) shall be
12 provided to prospective tenants as soon as practicable before
13 finalizing the rental agreement, and to current tenants as soon as
14 the presence of mold is identified.

15 (d) A landlord shall be exempt from providing written
16 disclosure pursuant to this section if the presence of mold was
17 remediated according to the mold remediation standards adopted
18 by the department pursuant to Section 26130, or if a state or local
19 health, building, or housing official determines that the mold has
20 been eliminated or sufficiently mitigated so as not to pose a risk to
21 the life, limb, health, property, safety, or welfare of the prospective
22 owner or occupants.

23 (e) The requirements of this section shall not apply until the
24 department adopts standards pursuant to Sections 26103, 26105,
25 26120, and 26130.

26 17999.2. (a) A public entity that owns, leases, or operates a
27 building that knows, or has reasonable cause to believe, that mold
28 is, or has been, present in the building, heating system, ventilating
29 or air-conditioning system, or appurtenant structures, shall
30 provide written disclosure to all building occupants or prospective
31 tenants, if the presence of mold exceeds the permissible exposure
32 limit to molds established by subdivisions (a) and (b) of Section
33 26103, or if it constitutes mold infestation according to the
34 department's guidelines as developed pursuant to Section 26105.

35 (b) The written notice required by subdivision (a) shall identify
36 the presence or location of materials that contain mold in the
37 building, heating system, ventilating or air-conditioning system,
38 or appurtenant structures and shall disclose the potential health
39 risks and the health impact that may result from exposure to mold

1 ~~by distributing the appropriate public education materials~~
2 ~~developed by the department or other authoritative bodies.~~

3 ~~(c) The written notice shall be provided as soon as the presence~~
4 ~~of mold is identified.~~

5 ~~(d) A public entity shall be exempt from providing written~~
6 ~~diselcure pursuant to subdivision (a) if the presence of mold was~~
7 ~~remediated according to the mold remediation standards adopted~~
8 ~~by the department pursuant to Section 26130 or if a state or local~~
9 ~~health, building, or housing official determines that the mold has~~
10 ~~been eliminated, or sufficiently mitigated so as not to pose a risk~~
11 ~~to the life, limb, health, property, safety, or welfare of the~~
12 ~~prospective owner or occupants.~~

13 ~~(e) The requirements of this section shall not apply until the~~
14 ~~department adopts standards pursuant to Section 26103, 26105,~~
15 ~~26120, and 26130.~~

16 ~~17999.3. (a) Nothing in this article shall affect the existing~~
17 ~~obligations of the parties to a real estate contract, or their agents,~~
18 ~~to diselcse any facts materially affecting the value and desirability~~
19 ~~of the property, including, but not limited to, the physical~~
20 ~~conditions of the property and previously received reports of~~
21 ~~physical inspections noted on the diselcure form set forth in~~
22 ~~Section 1102.6 or 1102.6a of the Civil Code.~~

23 ~~(b) Nothing in this article shall be construed to change the duty~~
24 ~~of a real estate broker or salesperson pursuant to Section 2079 of~~
25 ~~the Civil Code.~~

26 ~~17999.35. The specification of items for diselcure in this~~
27 ~~article does not limit or abridge any obligation for diselcure~~
28 ~~created by any other provision of law, or which may exist in order~~
29 ~~to avoid fraud, misrepresentation, or deceit in the transfer~~
30 ~~transaction.~~

31 ~~17999.4. Neither the transferor, nor any listing or selling~~
32 ~~agent, shall be held liable for any error, inaceuraey, or omission of~~
33 ~~any information delivered pursuant to this article if the error,~~
34 ~~inaceuraey, or omission was not within the personal knowledge of~~
35 ~~the transferor, or the listing or selling agent, or was based on~~
36 ~~information timely provided by public agencies, or by other~~
37 ~~persons providing relevant information, and ordinary care was~~
38 ~~exercised in obtaining and transmitting it.~~

39



1 Article 2. ~~Enforcement~~

2
3 ~~17999.5. Public health officers, code enforcement officers,~~
4 ~~environmental health officers, and employees of the Department~~
5 ~~of Industrial Relations may respond to complaints about mold and~~
6 ~~may enforce standards developed by the department, pursuant to~~
7 ~~subdivisions (a) and (b) of Section 26103, or Section 26105.~~

8 ~~17999.7. The Department of Consumer Affairs, in~~
9 ~~consultation with representatives from the State Department of~~
10 ~~Health Services, the Department of Industrial Relations, the~~
11 ~~Commission on Building Standards, consumers, commercial and~~
12 ~~residential building proprietors, code enforcement officers, public~~
13 ~~health officers, environmental health officers, medical experts in~~
14 ~~mold health effects, mold testing experts, mold remediation~~
15 ~~experts, and industrial hygienists, shall develop standards of~~
16 ~~education and certification for mold testing professionals, mold~~
17 ~~remediation specialists, and industrial hygienists.~~

18 ~~SEC. 3.—~~

19 ~~SECTION 1.~~ Chapter 18 (commencing with Section 26100)
20 is added to Division 20 of the Health and Safety Code, to read:

21
22 CHAPTER 18. TOXIC MOLD

23
24 Article 1. General Provisions

25
26 26100. This chapter shall be known, and may be cited, as the
27 Toxic Mold Protection Act of 2001.

28 26101. For purposes of this chapter, the following definitions
29 apply:

30 (a) “*Affect*” means to cause a condition by the presence of mold
31 in any unit, building, appurtenant structure, common wall, heating
32 system, or ventilating and air-conditioning system that affects the
33 habitability inside a unit or building.

34 (b) “*Authoritative bodies*” means any recognized national or
35 international entities with expertise on public health, mold
36 identification and remediation, or environmental health,
37 including, but not limited to, other states, the United States
38 Environmental Protection Agency, the World Health
39 Organization, the American Conference of Governmental
40 Industrial Hygienists, the New York City Department of Health,

1 *the Centers for Disease Control and Prevention*, and the American
2 Industrial Hygiene Association.

3 ~~(b)–~~

4 (c) “Certified Industrial Hygienist” means a person who has
5 met the education, experience, and examination requirements of
6 an industrial hygiene certification organization as defined in
7 Section 20700 of the Business and Professions Code.

8 ~~(e)–~~

9 (d) “Code enforcement officer” means a local official
10 responsible for enforcing housing codes and maintaining public
11 safety in buildings using an interdepartmental approach at the local
12 government level.

13 ~~(d)–~~

14 (e) “Department” means the State Department of Health
15 Services, designated as the lead agency in the adoption of
16 permissible exposure limits to mold in indoor environments, mold
17 identification and remediation efforts, and the development of
18 guidelines for the determination of what constitutes mold
19 infestation.

20 ~~(e) “Exposure limit” means the maximum permissible amount~~
21 ~~of mold exposure to persons.~~

22 ~~(f) “Identification” means the process of recognizing mold,~~
23 ~~water damage, or microbial volatile organic compounds in indoor~~
24 ~~environments.~~

25 ~~(g) “Indoor environments” means both a building and any~~
26 ~~appurtenant structures.~~

27 ~~(h)–~~

28 (f) “Indoor environments” means the affected dwelling or
29 affected commercial or industrial building.

30 (g) “Industrial hygienist” means a person who has met the
31 educational requirements of an industrial hygiene certification
32 organization as defined in subdivision (c) of Section 20700 of the
33 Business and Professions Code, and who has had at least one year
34 in the comprehensive practice of industrial hygiene as defined in
35 subdivision (a) of Section 20700 of the Business and Professions
36 Code.

37 ~~(i)–~~

38 (h) “Mold” means any form of multicellular fungi that live on
39 plant or animal matter and in indoor environments. Types of mold
40 include, but are not limited to, cladosporium, penicillium,

1 alternaria, aspergillus, fusarium, trichoderma, memnoniella,
2 mucor, and stachybotrys chartarum, often found in ~~water-damaged~~
3 ~~structures~~ *water damaged building materials*.

4 ~~(j) “Mold infestation” means the presence of mold that is~~
5 ~~likely to result in adverse health effects likely to result in serious~~
6 ~~or permanent bodily injury.~~

7 ~~(k)–~~

8 (i) “Person” means an individual, corporation, company,
9 association, partnership, limited liability company, municipality,
10 public utility, or other public body or institution.

11 ~~(l)–~~

12 (j) “Public health officer” means a local health officer
13 appointed pursuant to Section 101000 or a local comprehensive
14 health agency designated by the board of supervisors pursuant to
15 Section 101275 to carry out the drinking water program.

16 ~~(m) “Remediation” means the removal of mold and~~
17 ~~rectification of the underlying cause of mold and water~~
18 ~~accumulation through cleanup, drying, or removal of water~~
19 ~~damaged materials through the abatement processes.~~

20 26101.5. All standards that the department develops pursuant
21 to this chapter shall be in accordance with existing administrative
22 law procedures applicable to the development of regulations.

23 26101.7. *The department shall convene a task force which*
24 *shall advise the department on the development of standards*
25 *pursuant to Sections 26103, 26105, 26120, and 26130. The task*
26 *force shall be comprised of representatives of public health*
27 *officers, environmental health officers, code enforcement officers,*
28 *experts on the health effects of molds, medical experts, industrial*
29 *hygienists, mold abatement experts, affected consumers, which*
30 *include, but are not limited to, residential, commercial and*
31 *industrial tenants, homeowners, environmental groups, and*
32 *attorneys, and affected industries, which include, but are not*
33 *limited to, residential, commercial and industrial building*
34 *proprietors, managers or landlords, builders, suppliers of building*
35 *materials and suppliers of furnishings, and insurers.*

36 26102. The department, in consultation with ~~public health~~
37 ~~officers, environmental health officers, experts on the health~~
38 ~~effects of molds, medical experts, industrial hygienists,~~
39 ~~representatives of consumers, and industry representatives, shall~~
40 *the task force convened pursuant to Section 26101.7, shall*

1 consider the feasibility of adopting permissible exposure limits to
2 mold in indoor environments.

3 26103. (a) If the department finds that adopting permissible
4 exposure limits to mold in indoor environments is feasible, the
5 department, in consultation with ~~public health officers,~~
6 ~~environmental health officers, experts on the health effects of~~
7 ~~molds, medical experts, industrial hygienists, representatives of~~
8 ~~consumers, and industry representatives, shall:~~ *the task force*
9 *convened pursuant to Section 26101.7, shall:*

10 (1) Adopt permissible exposure limits to mold for indoor
11 environments that avoid ~~known or anticipated~~ adverse effects on
12 health, with an adequate margin of safety, and avoid any
13 significant risk to public health.

14 ~~(2) Place a primary emphasis on the protection of public health~~
15 ~~and, to the extent technologically and economically feasible, adopt~~
16 ~~permissible exposure limits to mold to protect the public health.~~

17 (2) *Balance the protection of public health with technological*
18 *and economic feasibility when it adopts permissible exposure*
19 *limits.*

20 (3) Utilize and include the latest scientific data or existing
21 standards adopted by authoritative bodies.

22 (4) *Develop permissible exposure limits that target the general*
23 *population.*

24 (b) The department shall consider all of the following criteria
25 when it adopts ~~a permissible exposure limit~~ *permissible exposure*
26 *limits* for molds in indoor environments:

27 (1) The adverse health effects of exposure to molds *on the*
28 *general population*, including specific effects on members of
29 subgroups that comprise a meaningful portion of the general
30 population, ~~including, but not limited to, infants, children which~~
31 *may include infants, children age 6 years and under, pregnant*
32 *women, the elderly, asthmatics, allergic individuals, immune*
33 *compromised individuals, or other subgroups that are identifiable*
34 *as being at greater risk of adverse health effects than the general*
35 *population when exposed to molds.*

36 (2) The standards for molds, if any, adopted by authoritative
37 bodies.

38 (3) The technological and economic feasibility of compliance
39 with the proposed permissible exposure limit for molds. For the
40 purposes of determining economic feasibility pursuant to this

1 paragraph, the department shall consider the costs of compliance
2 to tenants, landlords, homeowners, and other affected parties.

3 ~~(e)~~

4 *(4) Toxicological studies and any scientific evidence as it*
5 *relates to mold.*

6 *(c) The department may develop alternative permissible*
7 *exposure limits applicable for facilities, which may include*
8 *hospitals, child care facilities, and nursing homes, whose primary*
9 *business is to serve members of subgroups that comprise a*
10 *meaningful portion of the general population and are at greater*
11 *risk of adverse health effects to molds than the general population.*
12 *These subgroups may include infants, children age 6 years and*
13 *under, pregnant women, the elderly, asthmatics, allergic*
14 *individuals, or immune compromised individuals.*

15 *(d) The department shall report to the Legislature on its*
16 *progress in developing the permissible exposure limit for molds by*
17 *July 1, 2003.*

18 26104. (a) (1) The department shall, at the time it
19 commences preparation of the permissible exposure limits to
20 mold, provide notice electronically by posting on its Internet Web
21 site a notice that informs interested persons, ~~including, but not~~
22 ~~limited to, representatives from the Department of Industrial~~
23 ~~Relations, the Commission on Building Standards, representatives~~
24 ~~of consumers, commercial and residential building proprietors,~~
25 ~~code enforcement officers, public health officers, environmental~~
26 ~~health officers, experts on the health effects of molds, medical~~
27 ~~experts, mold testing experts, and industrial hygienists that the~~ *that*
28 *the* department has initiated work on the permissible exposure
29 limits to mold.

30 (2) The notice shall also include a brief description, or a
31 bibliography of the technical documents or other information the
32 department has identified to date as relevant to the preparation of
33 the permissible exposure ~~limit~~ *limits*.

34 (3) The notice shall inform persons who wish to submit
35 information concerning exposure to molds of the name and
36 address of the person in the department to whom the information
37 may be sent, the date by which the information must be received
38 in order for the department to consider it in the preparation of the
39 permissible exposure limits, and that all information submitted

1 will be made available to any member of the public who makes the
2 request.

3 (b) Each permissible exposure limit draft prepared by the
4 department pursuant to this subdivision shall be made available to
5 the public at least 45 calendar days prior to the date that public
6 comment and discussion are solicited.

7 (c) After the department finalizes the permissible exposure
8 limits to molds, the department shall respond in writing to any
9 significant comments, data, studies, or other written information
10 submitted to the office in connection with the preparation of the
11 permissible exposure limits. Any such comments, data, studies, or
12 other written information submitted to the department shall be
13 made available to any member of the public who makes the
14 request.

15 (d) The department may amend the permissible exposure limits
16 to molds to make the limits less stringent if the department shows
17 clear and convincing evidence that the permissible exposure limits
18 to molds should be made less stringent and the amendment is made
19 consistent with Section 26103.

20 (e) The department may review, and adopt by reference, any
21 information prepared by, or on behalf of the United States
22 Environmental Protection Agency or other authoritative bodies,
23 for the purpose of adopting national permissible exposure limits
24 to molds.

25 (f) At least once every five years, after adoption of permissible
26 exposure limits to molds, the department shall review the adopted
27 limits and shall, consistent with the criteria set forth in
28 subdivisions (a) and (b) of Section 26103, amend the permissible
29 exposure limits if any of the following occur:

30 (1) Changes in technology or treatment techniques that permit
31 a materially greater protection of public health.

32 (2) New scientific evidence that indicates that molds may
33 present a materially different risk to public health than was
34 previously determined.

35 ~~26105. (a) If the department finds that adopting permissible~~
36 ~~exposure limits to mold in indoor environments is not feasible, the~~
37 ~~department, in consultation with public health officers,~~
38 ~~environmental health officers, experts on health effects of molds,~~
39 ~~medical experts, industrial hygienists, representatives of~~
40 ~~consumers, and industry representatives, shall develop guidelines~~

1 to be used by public health professionals, code enforcement
2 officers, environmental health officers, and other interested parties
3 to assess the health threat posed by the presence of mold in an
4 indoor environment and determine whether the presence of mold
5 constitutes mold infestation.

6 (b) These guidelines shall be practical, seek to protect the
7 public from known or anticipated adverse effects on health, and be
8 economically and technologically feasible.

9 (c) These guidelines shall consider the specific health effects of
10 exposure to molds on members of subgroups that comprise a
11 meaningful portion of the general population, including, but not
12 limited to, infants, children, pregnant women, the elderly,
13 asthmatics, allergic individuals, immune compromised
14 individuals, or other subgroups that are identifiable as being at
15 greater risk of adverse health effects than the general population
16 when exposed to molds.

17 (d) The department shall prepare these guidelines as soon as
18 possible and shall be completed by January 1, 2003. *The*
19 *department, in consultation with the task force convened pursuant*
20 *to Section 26101.7, shall adopt practical standards to assess the*
21 *health threat posed by the presence of mold in an indoor*
22 *environment and determine whether the presence of mold*
23 *constitutes mold infestation.*

24 (b) *The department shall also do the following:*

25 (1) *Adopt assessment standards that avoid adverse effects on*
26 *health, with an adequate margin of safety, and avoid any*
27 *significant risk to public health.*

28 (2) *Balance the protection of public health with technological*
29 *and economic feasibility when it adopts assessment standards.*

30 (3) *Utilize and include the latest scientific data or existing*
31 *standards for the assessment of molds adopted by authoritative*
32 *bodies.*

33 (4) *Develop standards that target the general population.*

34 (5) *The department shall ensure that ambient air or surface*
35 *testing is not required to determine whether the presence of mold*
36 *constitutes mold infestation.*

37 (c) *The department shall consider all of the following criteria*
38 *when it adopts standards for the assessment of molds in indoor*
39 *environments:*

1 (1) *The adverse health effects of exposure to molds on the*
2 *general population, including specific effects on members of*
3 *subgroups that comprise a meaningful portion of the general*
4 *population, which may include infants, children age 6 years and*
5 *under; pregnant women, the elderly, asthmatics, allergic*
6 *individuals, immune compromised individuals, or other subgroups*
7 *that are identifiable as being at greater risk of adverse health*
8 *effects than the general population when exposed to molds.*

9 (2) *The standards for assessment of molds, if any, adopted by*
10 *authoritative bodies.*

11 (3) *The technological and economic feasibility of compliance*
12 *with the proposed permissible exposure limit for molds. For the*
13 *purposes of determining economic feasibility pursuant to this*
14 *paragraph, the department shall consider the costs of compliance*
15 *to tenants, landlords, homeowners, and other affected parties.*

16 (4) *Any toxicological studies or additional scientific evidence.*

17 (c) *The department shall report to the Legislature on its*
18 *progress in developing the assessment standards for molds by July*
19 *1, 2003.*

20 26106. (a) *The department may develop alternative*
21 *assessment standards applicable for facilities, which may include*
22 *hospitals, child care facilities, and nursing homes, whose primary*
23 *business is to serve members of subgroups that comprise a*
24 *meaningful portion of the general population and are at greater*
25 *risk of adverse health effects to molds than the general population.*
26 *These subgroups may include infants, children age 6 years and*
27 *under; pregnant women, the elderly, asthmatics, allergic*
28 *individuals, or immune compromised individuals.*

29 26107. (a) (1) *The department shall, at the time it*
30 *commences preparation of standards for the assessment of molds,*
31 *provide notice electronically by posting on its Internet Web site a*
32 *notice that informs interested persons that the department has*
33 *initiated work on the assessment standards.*

34 (2) *The notice shall also include a brief description, or a*
35 *bibliography, of the technical documents or other information the*
36 *department has identified to date as relevant to the preparation of*
37 *the assessment standards.*

38 (3) *The notice shall inform persons who wish to submit*
39 *information concerning the assessment of molds in indoor*
40 *environments of the name and address of the person in the*

1 department to whom the information may be sent, the date by
2 which the information must be received in order for the department
3 to consider it in the preparation of the assessment standards, and
4 that all information submitted will be made available to any
5 member of the public who makes the request.

6 (b) Each assessment standard draft prepared by the department
7 pursuant to this section shall be made available to the public at
8 least 45 calendar days prior to the date that public comment and
9 discussion are solicited.

10 (c) After the department finalizes the assessment standards for
11 molds, the department shall respond in writing to any significant
12 comments, data, studies, or other written information submitted to
13 the office in connection with the preparation of the assessment
14 standards for molds. Any such comments, data, studies, or other
15 written information submitted to the department shall be made
16 available to any member of the public who makes the request.

17 (d) The department may review, and adopt by reference, any
18 information prepared by, or on behalf of, the United States
19 Environmental Protection Agency or other authoritative bodies,
20 for the purpose of adopting national assessment standards for
21 molds.

22 (e) At least once every five years, after adoption of assessment
23 standards for molds, the department shall review the adopted
24 standards and shall, consistent with the criteria set forth in
25 subdivisions (a), (b), and (c) of Section 26105, amend the
26 standards if any of the following occur:

27 (1) Changes in technology or treatment techniques that permit
28 a materially greater protection of public health.

29 (2) New scientific evidence that indicates that molds may
30 present a materially different risk to public health than was
31 previously determined.

32 Article 2. Standards for Identification of Molds

33 26120. The department, in consultation with representatives
34 from the Department of Industrial Relations, the Commission on
35 Building Standards, representatives of consumers, commercial
36 and residential building proprietors, code enforcement officers,
37 public health officers, environmental health officers, experts on
38 the health effects of molds, medical experts, mold testing experts,
39
40

~~and industrial hygienists, shall adopt mold the task force convened pursuant to Section 26101.7, shall adopt mold identification standards for the environmental assessment of molds in indoor environments that are based on the criteria in subdivision (b) of Section 26103, or what constitutes mold infestation according to the department's guidelines as developed pursuant to Section 26105. recognition of mold, water damage, or microbial volatile organic compounds in indoor environments.~~

26121. Identification standards shall include ~~elements for scientifically valid methods to identify the presence of mold including elements for collection of air, surface and bulk samples,~~ visual identification, olfactory identification, *laboratory analysis*, and measurements of amount of moisture and presence of mold.

26122. (a) ~~Permissible—identification~~ *Identification* standards adopted by the department shall protect public health, to the extent technologically and economically feasible, by avoiding any known or anticipated adverse effects on public health with an adequate margin of safety, and by avoiding any significant risk to public health. ~~the department shall do all of the following:~~

(1) *Avoid adverse effects on health of the general population, with an adequate margin of safety, and avoid any significant risk to public health.*

(2) *Balance the protection of public health with technological and economic feasibility.*

(3) *Utilize and include the latest scientific data or existing standards for the assessment of molds adopted by authoritative bodies.*

(b) The department shall consider all of the following criteria when it adopts identification standards for mold:

(1) Permissible exposure limits to molds developed by the State Department of Health Services pursuant to subdivisions (a) and (b) of Section 26103, or what constitutes mold infestation according to the department's guidelines as developed pursuant to Section 26105.

(2) Standards for mold identification, if any, adopted by authoritative bodies.

~~(3) The latest technology and information available on effective mold identification using olfactory, visual perception, measurements of moisture, or the presence of mold spores, or other means of effectively identifying the presence of mold.~~

1 ~~(4)–~~

2 (3) Professional judgment and practicality.

3 ~~(5) The technological and economic feasibility of compliance~~
4 ~~with the proposed identification standards for mold.~~

5 (4) *Toxicological reports or additional scientific evidence.*

6 (c) *The department shall not require a commercial, industrial,*
7 *or residential landlord or a public entity that rents or leases a unit*
8 *or building to utilize the services of a specially qualified*
9 *professional to conduct ambient air or surface tests of units or*
10 *buildings to determine whether the presence of molds exceeds the*
11 *permissible exposure limits to mold established by subdivisions*
12 *(a), (b), and (c) of Section 26103.*

13 (d) The department shall develop a uniform reporting form for
14 building inspection to document the presence of mold.

15 ~~(d)–~~

16 (e) The department shall report to the Legislature on its
17 progress in developing identification standards for mold by July
18 1, 2003.

19 ~~26123. The department shall, at the time it commences~~
20 ~~preparation of identification standards for mold, develop criteria~~
21 ~~to rate buildings according to the degree of hazard posed by~~
22 ~~presence and condition of the mold in the buildings and~~
23 ~~surrounding environments.~~

24 26123. *The department may review, and adopt by reference,*
25 *any information prepared by, or on behalf of, the United States*
26 *Environmental Protection Agency or other authoritative bodies,*
27 *for the purpose of adopting national identification standards for*
28 *molds.*

29 26124. (a) (1) The department shall, at the time it
30 commences preparation of identification standards for mold,
31 electronically post on its Internet Web site a notice that informs
32 interested persons that it has initiated work on the ~~remediation~~
33 *identification standards.*

34 (2) The notice shall include a brief description, or a
35 bibliography, of the technical documents or other information the
36 department has identified to date as relevant to the preparation of
37 the identification standards for mold.

38 (3) The notice shall inform persons who wish to submit mold
39 identification information of the name and address of the person
40 in the office to whom the information may be sent, the date by

1 which the information must be received for the department to
2 consider it in the preparation of the identification standards, and
3 that all information submitted will be made available to any
4 member of the public who makes the request.

5 (b) Each draft identification standard prepared by the
6 department pursuant to this article shall be made available to the
7 public at least 45 calendar days prior to the date that public
8 comment and discussion on mold identification standards are
9 solicited.

10 (c) The department shall respond in writing to significant
11 comments, data, studies, or other written information submitted by
12 interested persons to the department related to the preparation of
13 the mold identification standards after the publication of the final
14 identification standards. Any such comments, data, studies, or
15 other written information submitted to the office shall be made
16 available to any member of the public who makes the request.

17 26125. All identification standards for mold published by the
18 department shall be reviewed at least once every five years and
19 revised, as necessary, based upon the availability of new scientific
20 data or information on effective mold identification.

21 Article 3. Standards for Remediation

22
23 26130. The department, in consultation with ~~representatives~~
24 ~~from the Department of Industrial Relations, the Commission on~~
25 ~~Building Standards, representatives of consumers, commercial~~
26 ~~and residential building proprietors, code enforcement officers,~~
27 ~~public health officers, environmental health officers, experts on~~
28 ~~the health effects of molds, medical experts, mold remediation~~
29 ~~experts, and industrial hygienists~~ *the task force convened pursuant*
30 *to Section 26101.7*, shall adopt remediation standards for molds in
31 indoor environments ~~that are based on the criteria set forth in~~
32 ~~subdivisions (a) and (b) of Section 26103, or what constitutes mold~~
33 ~~infestation according to the department's guidelines as developed~~
34 ~~pursuant to Section 26105.~~

35 26131. (a) Remediation standards for mold adopted by the
36 department ~~shall place primary emphasis on the protection of~~
37 ~~public health.~~

~~(b) Remediation standards for mold, to the extent technologically and economically feasible, shall meet all of the following:~~

~~(1) Maximize the protection of individuals from adverse health effects.~~

~~(2) Remove or clean contaminated materials in a manner that prevents the emission of mold spores and dust, contaminated with mold, from leaving a work area and entering an occupied or nonabatement area, and protecting the health of workers performing the abatement.~~

~~(3) Avoid any known or anticipated adverse effects on public health with an adequate margin of safety.~~

~~(4) Avoid any significant risk to public health.~~

~~(5) department shall do all of the following:~~

~~(1) Provide practical guidance for the removal of mold and abatement of the underlying cause of mold and associated water intrusion and water damage in indoor environments.~~

~~(2) Avoid adverse effects and any significant risk to the public health of the general population, with an adequate margin of safety.~~

~~(3) Balance the protection of public health with technological and economic feasibility.~~

~~(4) Utilize and include toxicological reports, the latest scientific data, or existing standards for the remediation of molds adopted by authoritative bodies.~~

~~(5) Provide practical guidance for the removal or cleaning of contaminated materials in a manner that protects the health of the person performing the abatement.~~

~~(6) Include criteria for personal protective equipment.~~

~~(6) Require communication of mold hazards to building occupants.~~

~~26132. —(a)—~~

~~(7) Not require a landlord, owner, seller, or transferor, to utilize the services of a specially qualified professional to conduct the mold remediation.~~

~~(b) The department shall consider all of the following criteria when it adopts a remediation standard remediation standards for mold:~~

~~(1) Permissible exposure limits to molds developed by the department pursuant to subdivisions (a) and (b) of Section 26103,~~

1 or what constitutes mold infestation according to the department's
2 guidelines as developed pursuant to Section 26105.

3 (2) Standards for mold remediation, if any, adopted by
4 authoritative bodies.

5 ~~(3) The latest scientific evidence or technical information~~
6 ~~available on effective mold remediation.~~

7 ~~(4) —~~

8 (3) Professional judgment and practicality.

9 ~~(5) The technological and economic feasibility of compliance~~
10 ~~with the proposed remediation standards.~~

11 ~~(b) —~~

12 (c) *The department shall not require a commercial, industrial,*
13 *or residential landlord, or a public entity that rents or leases a unit*
14 *or building to utilize the services of a specially qualified*
15 *professional to conduct ambient air or surface tests of units or*
16 *buildings to determine whether the presence of molds exceeds the*
17 *permissible exposure limits to mold established by subdivisions*
18 *(a), (b), and (c) of Section 26103.*

19 (d) The department shall report to the Legislature on its
20 progress in developing remediation standards for mold by July 1,
21 2003.

22 ~~26133.—~~

23 26132. (a) (1) The department shall, at the time it
24 commences preparation of remediation standards for mold,
25 electronically post on its Internet Web site, a notice that informs
26 interested persons that it has initiated work on the remediation
27 standards.

28 (2) The notice shall also include a brief description, or a
29 bibliography, of the technical documents or other information the
30 department has identified to date in the preparation of remediation
31 standards for mold.

32 (3) The notice shall inform persons who wish to submit
33 information concerning mold remediation of the name and the
34 address of the person in the office to whom the information may
35 be sent, the date by which the information must be received in
36 order for the department to consider it in the preparation of
37 remediation standards, and that all information submitted will be
38 made available to any member of the public who makes the
39 request.

(b) Each draft remediation standard prepared by the department pursuant to this subdivision shall be made available to the public at least 45 calendar days prior to the date that public comment and discussion on mold remediation are solicited.

(c) At the time the department publishes the final remediation standards for mold, the department shall respond in writing to significant comments, data, studies, or other written information submitted by interested persons to the department in connection with the preparation of remediation standards for mold. Any such comments, data, studies, or other written information submitted to the office shall be made available to any member of the public who makes the request.

26133. *The department may review, and adopt by reference, any information prepared by, or on behalf of, the United States Environmental Protection Agency or other authoritative bodies, for the purpose of adopting national remediation standards for molds.*

26134. (a) The department shall make available to the public upon request, information about contracting for the removal of mold in a building or surrounding environment, including all of the following:

(1) Recommended steps to take when contracting with a company to remove mold.

(2) Existing laws, regulations, and guidelines developed by the department, pertaining to *permissible exposure limits* to mold infestation, identification, and remediation.

(3) Basic health information as contained in existing mold publications.

~~(4) A current list of contractors who are certified pursuant to Section 17999.5 to engage in mold remediation work.~~

(b) All mold remediation standards published by the department shall be reviewed at least once every five years and revised, as necessary based upon the availability of new scientific data.

(c) (1) The State Department of Health Services shall develop public education materials and resources to inform the public about the health effects of molds, methods to prevent, identify and remediate mold growth, resources to obtain information about molds, and contact information for individuals, organizations, or government entities to assist with public concerns about molds.

(2) The department shall distribute its public education materials to public health officers, environmental health officers, commercial and residential landlord organizations, homeowners' organizations, and tenants' organizations. These materials shall be readily available to the general public.

(3) These materials shall be comprehensible to the general public.

(4) These materials shall be produced to include other languages, in addition to English, to accommodate the diverse multicultural population of California.

(5) These materials shall be made available on the department's Internet Web site.

Article 4. Disclosures

26140. (a) Subject to subdivisions (b) and (c), any seller or transferor, of commercial or industrial real property, shall provide written disclosure to prospective buyers as soon as practicable before the transfer of title when the seller or transferor knows of the presence of mold that affects the unit or building and the mold either exceeds permissible exposure limits to molds established by subdivisions (a), (b), and (c) of Section 26103.

(b) A seller or transferor of commercial or industrial real property shall be exempt from providing written disclosure pursuant to this subdivision if the presence of mold was remediated according to the mold remediation standards adopted by the department pursuant to Section 26130.

(c) A commercial or industrial real property landlord shall not be required to utilize the services of a specially qualified professional to conduct ambient air tests of units or buildings to determine whether the presence of molds exceeds the permissible exposure limits to molds established by subdivisions (a) and (b) of Section 26103.

(d) The requirements of this section shall not apply until the first January 1 or July 1 that occurs at least six months after the department adopts standards pursuant to Sections 26103, 26105, 26120, and 26130.

26141. (a) Subject to subdivisions (c) and (d), commercial and industrial landlords shall provide written disclosure to prospective and current tenants of the affected units as specified

1 in subdivision (b), when the landlord knows that mold is present
2 that affects the unit or the building and the mold either exceeds the
3 permissible exposure limits to molds established by subdivisions
4 (a) and (b) of Section 26103.

5 (b) The written notice required by subdivision (a) shall be
6 provided:

7 (1) To prospective tenants as soon as practicable and prior to
8 entering into the rental agreement.

9 (2) To current tenants in affected units as soon as is reasonably
10 practical.

11 (c) A commercial and industrial landlord shall be exempt from
12 providing written disclosure to prospective tenants pursuant to this
13 section if the presence of mold was remediated according to the
14 mold remediation standards adopted by the department pursuant
15 to Section 26130.

16 (d) A commercial or industrial landlord shall not be required
17 to utilize the services of a specially qualified professional to
18 conduct ambient air tests of units or buildings to determine
19 whether the presence of molds exceeds the permissible exposure
20 limits to molds established by subdivisions (a) and (b) of Section
21 26103.

22 (e) The requirements of this section shall not apply until the first
23 January 1 or July 1 that occurs at least six months after the
24 department adopts standards pursuant to Sections 26103, 26105,
25 26120, and 26130.

26 26142. Any tenant of a commercial or industrial real property
27 who knows that mold is present in the building, heating system,
28 ventilating or air-conditioning system, or appurtenant structures,
29 or that there is a condition of chronic water intrusion or flood,
30 shall inform the landlord of this knowledge in writing within a
31 reasonable period of time. The tenant shall make the property
32 available to the landlord or his or her agents for appropriate
33 remedial action as soon as is feasible if the landlord is responsible
34 for maintenance of the property.

35 26143. Commercial, and industrial landlords, who know or
36 are informed that mold is present in the building, heating system,
37 ventilating or air-conditioning system, or appurtenant structures,
38 or that there is a condition of chronic water intrusion or flood, have
39 an affirmative duty, within a reasonable period of time, assess the



1 *presence of mold or condition likely to result in the presence of*
2 *mold and conduct any necessary remedial action.*

3 *26144. The requirements of this article shall not apply to*
4 *properties where the tenant is contractually responsible for*
5 *maintenance of the property, including any remedial action.*

6 *26145. Any tenant of a commercial or industrial real property*
7 *who knows or is informed that mold is present in the building,*
8 *heating system, ventilating or air-conditioning system, or*
9 *appurtenant structures, or that there is a condition of chronic*
10 *water intrusion or flood, and is responsible for maintenance of the*
11 *property shall inform the landlord in writing of that knowledge as*
12 *soon as is reasonable and shall correct the condition in compliance*
13 *with the terms of the contract with the landlord.*

14 *26146. (a) A public entity that owns, leases, or operates a*
15 *building shall provide written disclosure to all building occupants*
16 *and prospective tenants as specified in subdivision (b) when the*
17 *public entity knows, or has reasonable cause to believe, that a*
18 *condition of chronic water intrusion or flood exists, or that mold*
19 *is present that affects the building or unit and the mold either*
20 *exceeds the permissible exposure limits to molds established by*
21 *subdivisions (a) and (b) of Section 26103.*

22 *(b) The written notice required by subdivision (a) shall be*
23 *provided:*

24 *(1) To prospective tenants as soon as practicable and prior to*
25 *entering into the rental agreement.*

26 *(2) To current building occupants in affected units or buildings*
27 *as soon as is reasonably practical.*

28 *(c) A public entity shall be exempt from providing written*
29 *disclosure to prospective tenants pursuant to subdivision (a) if the*
30 *presence of mold was remediated according to the mold*
31 *remediation standards adopted by the department pursuant to*
32 *Section 26130.*

33 *(d) The requirements of this section shall not apply until the*
34 *first January 1 or July 1 that occurs at least six months after the*
35 *department adopts standards pursuant to Sections 26103, 26105,*
36 *26120, and 26130.*

37 *26147. (a) Subject to subdivisions (d) and (e), residential*
38 *landlords shall provide written disclosure to prospective and*
39 *current tenants of the affected units as specified in subdivision (b)*
40 *when the landlord knows, or has reasonable cause to believe, that*

1 mold is present that affects the unit or the building and the mold
2 either exceeds the permissible exposure limits to molds established
3 by subdivisions (a), (b), and (c) of Section 26103.

4 (b) A residential landlord shall not be required to utilize the
5 services of a specially qualified professional to conduct ambient
6 air tests of units or buildings to determine whether the presence of
7 molds exceeds the permissible exposure limits to molds established
8 by subdivisions (a) and (b) of Section 26103.

9 (c) The written disclosure required by subdivision (a) shall be
10 provided:

11 (1) To prospective tenants as soon as practicable and prior to
12 entering the rental or lease agreement.

13 (2) To current tenants in affected units as soon as is reasonably
14 practical.

15 (d) A residential landlord shall be exempt from providing
16 written disclosure to prospective tenants pursuant to this section
17 if the presence of mold was remediated according to the mold
18 remediation standards adopted by the department pursuant to
19 Section 26130.

20 (e) The requirements of this section shall not apply until the first
21 January 1 or July 1 that occurs at least six months after the
22 department adopts standards pursuant to Sections 26103, 26105,
23 26120, and 26130.

24 26148. (a) Residential landlords shall provide written
25 disclosure to prospective tenants of the potential health risks and
26 the health impact that may result from exposure to mold by
27 distributing the appropriate public education materials approved
28 by the department.

29 (b) The written notice required by this subdivision shall be
30 provided to prospective residential tenants as soon as practicable,
31 and prior to entering the rental or lease agreement.

32 26149. Nothing in this article shall relieve a seller, transferor,
33 lessor, agent, landlord, or tenant from any responsibility for
34 compliance with other obligations, laws, ordinances, codes, or
35 regulations, including but not limited to the duties outlined in
36 Sections 1941 and 1941.1 of the Civil Code and any other duties
37 provided for under common law.

38 26150. Nothing in this article is intended to affect existing
39 duties and obligations of residential tenants and landlords.

1 26151. (a) *Nothing in this article shall affect the existing*
2 *obligations of the parties, including the transferor, to a real estate*
3 *contract, or their agents, to disclose any facts materially affecting*
4 *the value and desirability of the property, including, but not limited*
5 *to, the physical conditions of the property and previously received*
6 *reports of physical inspections noted on the disclosure form set*
7 *forth in Section 1102.6 or 1102.6a of the Civil Code.*

8 (b) *Nothing in this article shall be construed to change the duty*
9 *of a real estate broker or salesperson pursuant to Section 2079 of*
10 *the Civil Code.*

11 26152. *The specification of items for disclosure in this article*
12 *does not limit or abridge any obligation for disclosure created by*
13 *any other provision of law, or which may exist in order to avoid*
14 *fraud, misrepresentation, or deceit in the transfer transaction.*

15 26153. *All items subject to disclosure requirements pursuant*
16 *to this article shall be subject to enforcement pursuant to Article*
17 *5 (commencing with Section 26155).*

18 26154. *Neither the transferor nor any listing or selling agent*
19 *shall be held liable for any error, inaccuracy, or omission of any*
20 *information delivered pursuant to this article if the error,*
21 *inaccuracy, or omission was not within the personal knowledge of*
22 *the transferor, or the listing or selling agent, or was based on*
23 *information timely provided by public agencies, or by other*
24 *persons providing relevant information by delivery of a report or*
25 *opinion prepared by an expert dealing with matters within the*
26 *relevant scope of the professional's license or expertise, and*
27 *ordinary care was exercised in obtaining and transmitting it.*

28 29 Article 5. Enforcement 30

31 26155. *Public health officers, code enforcement officers,*
32 *environmental health officers, city attorneys, and employees of the*
33 *Department of Industrial Relations may respond to complaints*
34 *about mold and may enforce standards developed by the*
35 *department, pursuant to subdivisions (a), (b), and (c) of Section*
36 *26103, Sections 26105 and 26130, and enforce the disclosure*
37 *requirements pursuant to Article 4 (commencing with Section*
38 *26140).*

39 26156. *After the State Department of Health Services,*
40 *pursuant to administrative law procedures, submits the proposed*

1 *regulations developed pursuant to this chapter; the Department of*
2 *Consumer Affairs, in consultation with representatives from the*
3 *State Department of Health Services, the Department of Industrial*
4 *Relations, and members of the task force convened by the*
5 *department pursuant to Section 26101.7, shall consider and report*
6 *on the need for standards for mold testing professionals and mold*
7 *remediation specialists.*

